



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,586	01/08/2002	Domenico Arabino	Q67753	1442

7590 02/14/2006

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

FEB 14 2006

Technology Center 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/038,586
Filing Date: January 08, 2002
Appellant(s): ARABINO, DOMENICO

Brian W. Hannon
For Appellant

EXAMINER'S ANSWER

Art Unit: 3634

This is in response to the appeal brief filed December 30, 2004 appealing from the Office action mailed March 30, 2004 and in response to the order returning undocketed appeal to examiner filed October 3, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 4 is rejected under 35 USC 103(a) as set forth in the prior Office action mailed March 30, 2004.

(10) Response to Argument

Claim 4 is unpatentable over the admitted prior art in figure 1 in view of the teachings of U.S. Patent No. 6,373,005 to Griesbach et al. (hereinafter Griesbach). The admitted prior art in figure 1 discloses the applicant's invention, but for the placement of the projection 19. The projection of the admitted prior art of figure 1 is placed on the lower wall 12a of the compartment 12 while the projection of the applicant's invention is placed on the base portion of the U-shaped gripping portion as shown in figure 5. The applicant placed the protrusion on the base portion to prevent the protrusion from moving laterally with respect to the pressure element 14 (see figure 4). This positioning enables the protrusion to more reliably transmit the force from the object being pinched to the center portion of the pressure element 14 which increases the sensitivity and attendant accuracy of the switch. Likewise, Griesbach placed the protrusion 38 on a base portion 26 of a weather strip to better transmit the force from the object being pinched 39 to the center of a pressure element 36 as shown in figure 2. Moreover, Griesbach, on lines 23-32 of column 6, discloses that the positioning of the protrusion is

Art Unit: 3634

for the accurate transmission of the force from the object being pinched to the center of the pressure element and reliable activation of the pressure element. Since both the applicant and Griesbach were concerned with the same problem of the accurate transmission of a force generated from an object being pinched to a pressure element, one with ordinary skill in the art would be clearly motivated to provide the admitted prior art of figure 1 with a protrusion mounted on the base portion.

The above analysis holds true even when considering the applicant's arguments to the contrary. The examiner agrees that the invention of Griesbach operates in a different manner than the invention disclosed by the applicant. However, this does not obscure the fundamental principle of placing a protrusion on a stationary element, i.e., the base portion, of a weather strip to better transmit a force from an object being pinched to a pressure element to ensure the accurate transmission of a pinching force to the pressure element.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
February 7, 2006



Conferees:
Peter Cuomo
Richard Chilcot

